

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JOHN DOE

Plaintiff/Counterclaim Defendant,

vs.

LESLIE SUTTON

Defendant/Counterclaim Plaintiff

Case No. 4:23-cv-01312-SEP

**PLAINTIFF/COUNTERCLAIM DEFENDANT JOHN DOE'S
NOTICE OF SUPPLEMENTAL AUTHORITY IN SUPPORT OF MOTION TO
DISMISS COUNTS I-II, IV-V AND MOTION TO STRIKE ATTORNEY FEES**

Comes now Plaintiff/Counterclaim Defendant Doe, by and through undersigned counsel, and for his Notice of Supplemental Authority in Support of His Motion to Dismiss Counts I-II, IV-5 and Motion to Strike Attorney Fees states the following:

1. On April 4, 2025, Defendant/Counterclaim Plaintiff Sutton filed her Counterclaim Petition against Plaintiff/Counterclaim Plaintiff Doe.
2. On April 18, 2025, Plaintiff/Counterclaim Defendant Doe filed his Motion to Dismiss Counts I-II and IV-V and a Motion to Strike Attorney's Fees.
3. E.D. Mo. L.R. 4.01(B) states:

Except as otherwise provided in these rules or by order of the Court, each party opposing a motion (other than a motion seeking an extension of time) must file, within fourteen (14) days after service of the motion, a single memorandum containing any relevant argument and citations to authorities on which the party relies. If any memorandum in opposition requires consideration of facts

not appearing in the record, the party must file with its memorandum all documentary evidence relied upon. Each opposition to a motion seeking an extension of time must be filed within seven (7) days after service of the motion.

4. In *Suitter v. G4S Secure Solutions*, 2025 WL 1219735 at *1 (E.D. Mo. Apr. 28, 2025), the court granted Defendants' motion to dismiss after Plaintiff failed to file any response in opposition to dismissal for over two months. *See also Jackson v. Utility Workers of America, Local 640*, 2024 WL 4581514 at * 1 (Oct. 25, 2024); *Jones v. Chevrolet*, 2024 WL 5056351 at *1 (E.D. Mo. Dec. 10, 2024).
5. Nearly two months have passed since Plaintiff/Counterclaim Defendant Doe filed his Motion to Dismiss Counts Defendant Counterclaim Plaintiff Sutton's Counterclaim Petition.

CONCLUSION

Based on the foregoing, Plaintiff/Counterclaim Defendant Doe respectfully request that the Court GRANT:

- a. His Motion to Dismiss Counts I-II and IV-V of Defendant/Counterclaim Plaintiff Sutton's Counterclaim for failure to state a claim; and
- b. His Motion to Strike Attorney Fees.

Respectfully Submitted,

OTT LAW FIRM

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CERTIFICATE OF SERVICE

I caused a copy of the forgoing to be served upon all counsel of record this 16th Day of June 2025 through electronic mail.

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